IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1238 (M/S) of 2006

1. Vinod Kumar Kanojia S/o Sri Jagdish Kumar.
2. Smt. Bimla Devi W/o Sri Jagdish Kumar
R/o 194 Society area, Gurudwara Colony, Clement Town Dehradun. ....Petitioners.

Vs.

1. Civil Judge (Sr. Division) Dehradun.
2. Harish Chand S/o Late Sri Shyam Lal.
3. Ved Prakash S/o Late Sri Shyam Lal.
4. Om Prakash S/o Late Sri Shyam Lal.
5. Jagdish Kumar S/o Late Sri Shyam Lal

All R/o 194 Society Area, Gurudwara Colony, Clement Town Dehradun. .....Respondents

Sri B.P. Nautiyal learned counsel for the petitioners.
Sri R.C. Arya learned standing counsel for the respondent No.1.

Dated: -6-9-2006

Hon'ble B.S. Verma, J.

Heard Sri B.P. Nautiyal learned counsel for the petitioners and Sri R.C. Arya learned standing counsel for the State.

By the present writ petition, the petitioner has sought for direction of this Court to expedite and decide the proceedings of the Original Suit No.292 of 2001, Sri Shyam Lal Kanojia Vs. Smt. Bimla Devi and others pending in the court of Civil Judge (Jr. Division), Dehradun, with the allegations that many dates have been fixed in the suit but the respondent No.1 has been trying to linger on the proceedings on one pretext or the other and he has been interested in enjoying the temporary injunction granted in his favour by the Court. It is further alleged that the delay tactics of the respondent No.1 is causing continuous harassment to the petitioner leading to prolonged litigation.

The learned counsel for the petitioner submitted that the ends of justice would be served if a direction be issued to the Trial Court for expeditious disposal of the suit. The prayer is innocuous.

The learned Trial Court is directed to decide the Original Suit No. 292 of 2001 Sri Shyam Lal Kanojia Vs. Smt. Bimla Devi and others pending disposal in that court within a period of nine months from the date of production of the certified copy of this order.

With the aforesaid observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

Dated: -6-9-2006
M.K.